

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc S. HERMELIN et al.

Serial No.: Not yet assigned

Filing Date: February 25, 2002Title: **MINERAL SUPPLEMENT**

(Divisional of U.S. Pat. Appl. No. 09/583,890, filed May 31, 2000)

J1046 U.S. PTO  
06080/01  
02/25/02TRANSMITTAL LETTERCommissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Transmittal Letter;
- 2) Filing Form for Divisional U.S. Patent Application;
- 3) Copy of Parent Application S.N. 09/583,890 consisting of:
  - 67 Pages Application including:
    - 49 Pages of Textual Specification
    - 17 Pages of 65 Claims
    - 1 page Abstract of the Disclosure;
- 4) Preliminary Amendment;
- 5) Copy of Declaration as originally filed in parent application; and
- 6) Early Notification of Serial Number Postcard.

The Commissioner, in connection with this matter, is specifically authorized to charge any required fee deficiency or credit any overpayment under 37 CFR §§ 1.16 or 1.17 to Deposit Account No. 14-0112.

Respectfully submitted,

NATH &amp; ASSOCIATES PLLC

By: Gary M. Nath  
Registration No. 26,965  
Joshua B. Goldberg  
Registration No. 44,126  
Customer No. 20529Date: February 25, 2002

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1030 15<sup>th</sup> Street, NW - 6<sup>th</sup> Floor

Washington, D.C. 20005

GMN/JBG:ayd

02/25/02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc S. HERMELIN et al.

Serial No.: Not Yet Assigned

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Title: **MINERAL SUPPLEMENT**

FILING FORM

FOR DIVISIONAL U.S. PATENT APPLICATION

Commissioner of Patents  
Washington, D.C. 20231

Sir:

1. This is a Request for filing a  
    \_\_\_ Continuation Application under:  
        \_\_\_ 37 CFR § 1.53(b)(1)  
    XX Divisional Application under:  
        XX 37 CFR § 1.53(b)(1)  
    \_\_\_ Continuation-In-Part (CIP) application  
        \_\_\_ 37 CFR § 1.53(b)(2)  
of **prior** ("parent") application:  
    Serial No. 09/583,890  
    Filed: May 31, 2000  
    Entitled: **MINERAL SUPPLEMENT**
2. XX \*Enclosed for application under 37 CFR §§ 1.53(b) are:  
    67 pages of text (specification, claims, abstract)  
    65 claims  
    0 sheets of drawings
3. The **present** application names the following inventor(s):  
    Marc S. Hermelin  
    George N. Paradissis  
    James A. Garegnani

(37 CFR § 1.53--"CIP") The above-identified application (in which no payment of the Issue Fee, abandonment of or termination of proceedings has occurred) is hereby expressly abandoned as of the filing date of this new application.

The **Total Filing Fee** is calculated as follows:

Enter the Amendment filed in the prior patent application on \_\_\_\_\_ prior to calculating the filing fee.

**XX** Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)		(Col 2)		SMALL ENTITY		OR	NON-SMALL ENTITY	
NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS		RATE	FEE		RATE	FEE
TOTAL	28	minus 20	8	x9=			x18=	144
INDEP	3	minus 3	0	x40=			x84=	0
BASE FILING FEE:				+355=			+740=	740
xx Multiple Dependent Claims				+130=	0		+270=	0
				TOTAL		OR	TOTAL	884

Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:  
 was filed in the parent application, and small entity status is still proper and desired (Rules 60, 62 only);  
 is filed herewith;  
 will be filed at a later date.

**XX** The Commissioner, in connection with this matter, is specifically authorized to charge the \$884.00 filing fee to Deposit Account No. 14-0112.

A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$ extension fee.

Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$ per Assignment.

No check is enclosed. A Declaration and Power of Attorney

will be submitted at a later date pursuant to 37 CFR §§ 1.41, 1.53, together with a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).

XX The prior application is assigned of record to KV Pharmaceutical Co., 2503 South Hanley Rd., St. Louis, Missouri 63144, the Assignment being recorded on September 13, 2000 on Reel 011093, Frame(s) 0123.

XX An original executed Declaration is enclosed.

XX Amend the specification by inserting before the first line the sentence:

--This application is a divisional application of U.S. patent application Serial No. 09/583,890, filed May 31, 2000, the entire contents of which is hereby incorporated by reference in its entirety.-

\_\_\_\_ Foreign priority under 35 U.S.C. § 119 of \_\_\_\_\_ application(s) \_\_\_\_\_, filed \_\_\_\_\_, is hereby claimed. The certified priority paper(s):  
\_\_\_\_ was/were filed in the parent case;  
\_\_\_\_ is/are enclosed herewith;  
\_\_\_\_ will be submitted at a later date.

XX The power of attorney in the prior application is to Gary M. Nath, Reg. No. 26,965, Joshua B. Goldberg, Reg. No. 44,126, Customer No. 20529.

XX The power appears in the original papers in the prior application.

XX Address all future communications to:

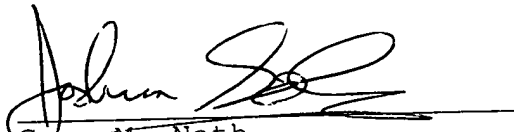
Gary M. Nath  
**NATH & ASSOCIATES PLLC**  
1030 Fifteenth Street, N.W., Sixth Floor  
Washington, D.C. 20005

\_\_\_\_ If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

XX The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §§ 1.16 and 1.17 which may be required, or credit any overpayment, to Deposit Account No. 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**



Gary M. Nath  
Reg. No. 26,965  
Joshua B. Goldberg  
Reg. No. 44,126  
Customer No. 20529

Date: February 25, 2002

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